

**THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF ALABAMA
SOUTHERN DIVISION**

MOBILE BAYKEEPER, INC.,

Plaintiff,

vs.

ALABAMA POWER COMPANY,

Defendant.

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Case No.: 22-CV-00382-KD-B

ORDER

Upon consideration of the Report and Recommendation by United States Magistrate Judge Sonja F. Bivins, (Doc. 91), Defendant Alabama Power Company's ("Alabama Power") Objections, (Doc. 94), and Plaintiff Mobile Baykeeper, Inc.'s ("Baykeeper") Response, (Doc. 95), the Court **ORDERS** as follows:

1. Baykeeper shall file a brief, double-spaced and no more than ten (10) pages, addressing the issue of **standing only** by **November 16, 2023**. Alabama Power shall file a response brief, double-spaced and no more than ten (10) pages, by **November 30, 2023**.
2. The issues of **both ripeness and standing** are set for **oral argument on December 12, 2023, at 10:00 a.m.** before the undersigned in Courtroom 4B of the United States Courthouse, 155 St. Joseph St., Mobile, Alabama 36602.
3. The parties shall file a joint disclosure of the status of the Environmental Protection Agency's ("EPA") review of Alabama's Coal Combustion Residuals Permit Program, and any proceedings, ongoing or pending, between the EPA and the Alabama Department of Environmental Management or the state of Alabama, **on December 8, 2023**.

DONE and **ORDERED** this the 2nd day of **November 2023**.

/s/ Kristi K. DuBose

KRISTI K. DuBOSE

UNITED STATES DISTRICT JUDGE